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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/007,212 | 11/02/2001 | Zeki B. Bulbul | 398 | 2711 |

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CIENA CORPORATION
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| EXAMINER | |
|---|---|
| LEUNG, CHRISTINA Y. | |
| **ART UNIT** | **PAPER NUMBER** |
| 2633 | |

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 10/007,212 | BULBUL, ZEKI B. | |
| | Examiner | Art Unit | |
| | Christina Y. Leung | 2633 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *02 November 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 November 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *3-5-02; 11-21-03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 3, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sondur et al. (US 6,243,746 B1) in view of Obeda et al. (US 2002/0058496 A1)

Regarding claim 1, Sondur et al. disclose a network element (Figures 1 and 2) comprising:

a data collection application program interface (engine 206, which is part of topology service 112, provides an API; column 5, lines 1-3; column 8, lines 26-35) collecting topology information, the topology information being in a first format; and

a transport network bridge (protocol interface 204, which is part of topology service 112) in communication with the data collection API (engine 206), the transport network bridge receiving a request for network topology information from a client (user interface 102, via management information server 104), the request being in a second format different than the first format, the transport network bridge obtaining the requested network topology information from the data collection API (column 5, lines 8-29);

the transport network bridge converting the requested network topology information into the second format to define converted network topology information (column 5, lines 8-29);

the transport network bridge providing the converted network topology information to the client (column 5, lines 8-29).

Regarding claim 11, as similarly discussed above with regard to claim 1, Sondur et al. disclose a method for communicating topology information in a network (Figures 1 and 2), comprising:

collecting topology information at a data collection Application Program Interface (engine 206; column 5, lines 1-3; column 8, lines 26-35), the topology information being in a first format;

receiving a request from a client (user interface 102, via management information server 104) at a transport network bridge (protocol interface 204) for network topology information, the request being in a second format different than the first format,

the transport network bridge obtaining the requested network topology information from the data collection API (column 5, lines 8-29);

the transport network bridge converting the requested network topology information into the second format to define converted network topology information (column 5, lines 8-29); and

the transport network bridge providing the converted network topology information to the client (column 5, lines 8-29).

Regarding both claims 1 and 11, Sondur et al. do not specifically disclose an optical communications network. However, optical networks are generally well known in the art, and Obeda et al. further teaches that topology information may be gathered from an optical network (page 1, paragraphs [0002]-[0004]). It would have been obvious to a person of ordinary skill in the art to use the network element as disclosed by Sondur et al. in an optical network as taught by

Obeda et al. in order to collect topology information about the configuration of elements in an optical network and thereby provide better management of the system.

Regarding claims 3 and 13, Sondur et al. disclose that the client is a network manager (column 1, lines 16-28; column 16, lines 57-67; column 17, lines 1-10).

3. Claims 2 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sondur et al. in view of Obeda et al. as applied to claims 1 and 11 above, and further in view of Chaudhuri et al. (US 2002/0018269 A1).

Regarding claims 2 and 12, Sondur et al. in view of Obeda et al. describe a system and method as discussed above with regard to claims 1 and 11, but they do not specifically disclose Transaction Language 1. However, Chaudhuri et al. teach that Transaction Language 1 is a known protocol in the art for communications between users and devices in networks (page 3, paragraph [0039]). It would have been obvious to a person of ordinary skill in the art to use Transaction Language 1 as taught by Chaudhuri et al. as the second format in the system and method described by Sondur et al. in view of Obeda et al. as an engineering design choice of a well-known protocol to implement the interface between elements in the system. The claimed differences exist not as a result of an attempt by Applicants to solve an unknown problem but merely amount to the selection of expedients known as design choices to one of ordinary skill in the art.

4. Claims 4-10 and 14-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sondur et al. in view of Obeda et al. as applied to claims 1 and 10 respectively above, and further in view of Wilson et al. (Wilson, Brian J., Ned. G. Stoffel et al. "Multiwavelength Optical

Networking Management and Control," Journal of Lightwave Technology, Vol. 18, No. 12, December 2000, pp. 2038-2057).

Sondur et al. in view of Obeda et al. describe a system and method as discussed above with regard to claims 1 and 11 including an optical communications network. Sondur et al. disclose requests for network topology information (column 15, lines 23-67), but they do not specifically disclose that the requests include a gateway node request, an end-to-end channel request, a channel trail request, or a channel-client mapping request. However, Sondur et al. in view of Obeda et al. already teach that the optical communications network generally includes nodes and/or client equipment connected by a plurality of channels (Obeda et al., page 1, paragraph [0002]). Wilson et al. further teach an optical communications network (Figure 1) and teach that the topology of such a network can be defined by information identifying: gateway network elements where a channel originates or terminates on the optical communications network; channels originating or terminating at particular network elements; channel connections along the optical communications network; and channel connections to client equipment (see pages 2040-2043, section "III. Information Model" and Figures 3-6).

Regarding claims 4-10 and 14-20, it would have been obvious to a person of ordinary skill in the art to request information on gateway nodes where a channel originates or terminates on the network; one or more channels originating or terminating at a network element; one or more channel connections along the network; or one or more channel connections to client equipment, as suggested by Wilson et al., in the system and method described by Sondur et al. in view of Obeda et al. in order to effectively gather complete information about the entire topology of the optical communications network. One in the art would have been particularly motivated to

request those types of information since Wilson et al. teach that such information is directly related to the determination and definition of the optical communication network topology itself.

***Conclusion***

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christina Y. Leung whose telephone number is 571-272-3023. The examiner can normally be reached on Monday to Friday, 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Christina Y Leung
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Patent Examiner
Art Unit 2633